

REMARKS

In the Office Action mailed April 4, 2004, the Examiner noted that claims 1-12 were pending, and rejected claims 1-12. Claims 1-12 have been amended, new claim 13 has been added and, thus, in view of the forgoing claims 1-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action the Examiner rejected claims 2 and 6 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 3 of the Office Action the Examiner rejected claims 1, 5, 9 and 11 under 35 U.S.C. § 102 as anticipated by Tindell. On page 4 of the Office Action the Examiner rejected claims 3, 7, 10 and 12 under 35 U.S.C. § 102 as anticipated by Palencia. Page 4 of the Office Action rejects claims 2 and 6 under 35 U.S.C. § 103 over Tindell and George. Page 4 of the Office Action rejects claims 4 and 8 under 35 U.S.C. § 103 over Palencia and George.

As part of the above identified rejections, the Examiner alleged that we acknowledged "Tindell teaches offset of a transaction from a start time." (see Office Action, page 2, lines 3-4) This is not the case. We actually said:

Tindell is directed to a system that considers a related set of tasks as a transaction. The transaction has a re-arrival period T that is a minimum time between transactions. Within the transaction are member tasks. Each of the tasks has a start time. The task start time is a fixed time offset after the start of the transaction. That is, **the offset in Tindell is a task offset from the start of the transaction not a transaction offset for the start of the transaction** from some other time such as a base time.

(See Amendment 1/28/4, page 6, emphasis in **bold** added)

The Examiner is requested to recognize that there is a difference between an offset for a task within a transaction and an offset for a transaction from some other time. It is again submitted that the present invention is distinctive over the prior art for the reasons associated with this issue as discussed in the Amendment of 1/28/4 incorporated by reference herein. For this reason, it is submitted that the rejections should be withdrawn.

In the comments on page 3 of the Office Action, the Examiner provided additional clarifying comments about Tindell as requested in the Amendment of 1/28/4 and has interpreted the teachings of Tindell. The Examiner now equates the transaction of Tindell to the schedule of

the present invention and equates the start time of Tindell to the base time of the invention. Even with this comparison, the present invention is different. With this interpretation by the Examiner, Tindell does not have a schedule offset or a start time offset from the base time as called for in the claims (see, for example, claim 1). The Examiner is requested to particularly review the Tindell discussion section "2. Computational Model", starting on page 2 of Tindell. The present invention includes two offsets (a schedule offset or a schedule start time offset from the base time and a task offset from the schedule start time) while Tindell, based on the interpretation by the Examiner, includes only a task offset (O_i), which is an offset from the base time. A similar situation exists in the Examiners comparison of the invention to Palencia and George. For this additional reason, it is submitted that the rejections should be withdrawn.

Even if we assume that the Examiners interpretations of Tindell and Palencia are correct for the purpose of argument, the present invention is not anticipated by these references for the reasons discussed below.

The present invention calls for "setting unit setting a planned start time of a schedule which is to be determined whether or not it uses a base time name using a base time and an offset from the base time" (see claims 1-12). That is, the present invention sets a schedule where the schedule that is set is determined by a base time name. This is particularly useful when multiple related schedules are involved. For example, assume that a change takes place to a schedule S1. Each schedule that is executed after S1 and is related to S1 must also be changed. The base time name allows related schedules to be changed and also allows other schedules that are not so related not to be changed. The use of base time names in schedules allows all related schedules affected by a change to be changed. The present invention also improved efficiency. Typically, all of the schedules offer a changed schedule need to be processed. With the present invention that is not the case and only related schedules need to be processed. Tindell and Palencia do not teach or suggest this feature and particularly do not teach or suggest using the base time name to determine the necessity of changing each of the schedules.

George also does not teach or suggest this feature. For this additional reason, it is submitted that the present invention is patentably distinguishable over Tindell, Palencia and George, alone or in combination. For this further reason, it is submitted that the rejections should be withdrawn.

With respect to claims 3, 4, 5, 7, 8, 10 and 12 of the present invention, when changing a part of the data (the completion time of a schedule), an execution thread converts the

- of a schedule) into the change in the part of the data (see page 18, line 10 - page 20, line 16 of the specification). The present invention can detect a change of this kind. The present invention is distinguishable from technologies of the prior art with respect to the feature in which a program automatically detects a trigger for a schedule change.

Claims 2 and 4 have been amended so that it is clear that the planned start time changing unit determines schedules that require changes before the planned start time changing unit changes the associated planned start times. This amendment is in accordance to the last paragraph, "In step S48, it is determined...", on page 33 and to the last paragraph, "it is determined whether or not such a record is found in step S73..", on page 36 of the specification.

- This feature is not found in the prior art.

It is submitted that the invention of the claims distinguishes over the prior art and withdrawal of the rejection is requested.

New claim 13 emphasizes that the schedule start times and the management of schedules are responsive to the base time name. Nothing in the prior art teaches or suggests such. It is submitted that the new claims distinguishes over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. section 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

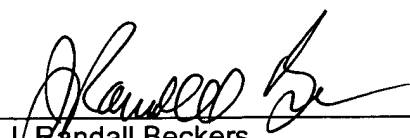
Respectfully submitted,

STAAS & HALSEY LLP

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7/6/4

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